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No Lever and No Place to Stand (A Response to Christopher Shannon)

John Henry Schlegel*

Rage, rage against the dying of the light.

Dylan Thomas¹

It is rather difficult for me to respond to a rage so fierce that at times it seems to lapse into incoherence, but I shall try. What I have done to bring forth such a rage seems to be two things. First is my celebration of the quotidian in the lives of intellectuals . . . most significantly for Mr. Shannon, though by no means my exclusive focus, their just getting on in a bureaucratic world. The second has to do with the lack of articulated grounds for my judgments of value, my apparent lack of commitment to truth. Both are said to play out in indefensible (or at least undefended) choices with respect to what stories to tell, what heroes to celebrate, what ideas to care about. And somehow all of this undermines what intellectual history should be about.

I make no bones about my reasons for doing as I do, so let me be clear about these matters. I cannot say what the life of an intellectual was like in 1850, 1750, or 1650, but I can say that for the past hundred or so years the major locus of intellectual activity has been in bureaucratic institutions—universities, magazines of opinion, think tanks. And yet we intellectuals on the whole think and write as if the standard of value in our business is the life of a Newton or a Rousseau or a Kant or some other independently wealthy gentleman, or retainer of such, someone for whom getting and spending is somehow unproblematic, and then flagellate ourselves in private (and occasionally in public) for not living up to that standard, for not

* John Henry Schlegel is a Professor of Law at the State University of New York at Buffalo. He regularly writes on the past and present of legal education and legal thought. Laura, Fred, and Jim checked my judgment on this one; for that kindness I absolve them of blame.

1. Dylan Thomas, *Do Not Go Gentle into That Good Night*, in THE NORTON ANTHOLOGY OF POETRY 1181, 1181 (Alexander W. Allison ed., 3d ed. 1983).

thinking transcendent thoughts all the time. We do ourselves ill by not recognizing the context in which we live and work and then measuring our lives by that context. To wish to measure ourselves by some context that we neither live in nor can recreate is that ultimate act of ahistoricity by an intellectual historian. I will not adopt such a measure and so sell hardworking humans short. And so I celebrate—with one or two cheers, never three—those who in the face of this quotidian existence seem to me to manage to do something that vaguely passes for noble, or fine, or admirable. Doing such in the bureaucratic institutions we all inhabit is, after all, a real achievement.

How then do I choose my heroes, my stories, my valuable ideas? Very simply. By myself in my own lights. The buck stops with me. As best as I can tell there is no truth, only an absence of lies. Though there are dozens of ways to recount the story that reaches this conclusion, I would begin with the observation that the Reformation killed the truth of revelation mediated by the Church Universal. The Enlightenment killed the Reformation's understanding of truth as revelation directly accessible to the believer. And the horrors associated with World War II killed the Enlightenment's notion of truth as revelation accessible through reason alone. There is no longer (nor ever was there) a transcendental, transpersonal, transhistorical basis for our value judgments. We make them all up.

This is not to say that man is the measure of all things. There is no measure of all things, only contested and contestable measures of some things. My stories, my heroes, my valuable ideas are my attempt to suggest, in the only way I as a historian know how, what stories are important, who ought to be taken to be a hero, which ideas are worth taking seriously. In aid of this activity I have nothing but verisimilitude, a range of experience hopefully shared with my readers, and the possibility that others share or can be persuaded to share my values.

Truth is by definition unattainable to fallen man and fallen man is the only one we have ever had. I thus make no claim to infallibility but deeply feel the limitations of my judgments. As an author I ask others to consider by their own lights—and none other—whether my stories are illuminating of a time past, whether my heroes were worthy in a time past, whether the ideas I value were useful for something at a time past. These are modest questions. Fallen man can ask only modest questions. But they are the questions I think are meaningful to ask about intellectuals and the product of their lives.

I also think they are sensible questions. After all, though one need not agree with Faulkner about man's triumph, and though the litany of outrages perpetrated by humans on each other is endless, still the

amazing thing is that without the aid of Truth (whatever we thought we had) we have built a remarkably rich and powerful body of thought in a deep and complex (though often meretricious) culture. Though hardly of transcendental significance—after all, the cockroaches will surely outlast our species—building this in the face of the second law of thermodynamics is no mean trick.

I would enjoy talking about the products of human culture in this way with Mr. Shannon, for they are obviously very important to him. But before we do so, I would ask him to consider the possibility that the appropriate response to my assertion that there is no lever and no place to stand when we make judgments in this fallen, bureaucratic world is not rage, but a willingness to engage in the hard work of telling meaningful stories, seeking meaningful heroes, identifying meaningful ideas . . . of building values as best as we humans can. Let us try together, Sir. You would be surprised how little one misses what one never had.

